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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,405	01/30/2002	Yutaka Tominaga	05711.0138	4738

7590 04/14/2003

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,405

Applicant(s)

TOMINAGA ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I, comprising claims 1-5, in Paper No. 3 is acknowledged.

Claims 6-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 4-129502.

Japanese publication 4-129502 (figures 1, 3, and 4-6) teaches a slide fastener, wherein a reinforcement member 9A is bonded to a fastener tape 3 along both outer sides of a fastener chain 16. As to claim 2, the reinforcement member 9A, shown in figure 4, contains a concave mounting groove 9Ab, in which an attachment object 17a in the form of case edges as shown in figure 5 is to be inserted, provided in a side face thereof.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Dyke (US 3443671).

Japanese publication 4-129502 (figures 1, 3, and 4-6) teaches a slide fastener, wherein a reinforcement member 9A is bonded to a fastener tape 3 along both outer sides of a fastener chain 16. The difference is that the fastener tape is received in a U-shaped recess in the reinforcement member rather than there being a cutout portion provided in a rear face thereof so as to bond the fastener tape. However, Dyke (figures 66, 67) teaches that it is desirable to provide guard strips 144 that inherently provide a measure of reinforcement through the guarding function wherein the edge of the guard strip distal the zipper teeth clearly contacts the case so as to define a cutout in the rear face of the guard strip within which the fastener tape is nested so as to provide easier alignment of the tape with the guard strip and to prevent dirt from accumulating against the outer edges of the fastener tape. It would have been obvious to modify the slide fastener of Japanese publication 4-129502 so that the reinforcement member includes a cutout portion provided in a rear face thereof so as to bond the fastener tape in view of Dyke (figures 66, 67) teaching that it is desirable to provide guard strips 144 that inherently provide a measure of reinforcement through the guarding function wherein the edge of the guard strip distal the zipper teeth clearly contacts the case so as to

define a cutout in the rear face of the guard strip within which the fastener tape is nested so as to provide easier alignment of the tape with the guard strip and to prevent dirt from accumulating against the outer edges of the fastener tape.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Perez, II (US 5813094).

Japanese publication 4-129502 (figures 1, 3, and 4-6) teaches a slide fastener, wherein a reinforcement member 9A is bonded to a fastener tape 3 along both outer sides of a fastener chain 16. The difference is that the fastener tape is received in a U-shaped recess rather than being a flat bonding face. However, Perez, II (figure 7) teaches that it is desirable to have the rear face of the reinforcement member 45 defined completely by a flat bonding face (col. 6, line 57 - col. 7, line 10) so as to have a simpler securement structure. It would have been obvious to modify the slide fastener of Japanese publication 4-129502 so that the rear face of the reinforcement member is a flat bonding face in view of Perez, II (figure 7) teaching that it is desirable to have the rear face of the reinforcement member 45 defined completely by a flat bonding face (col. 6, line 57 - col. 7, line 10) so as to have a simpler securement structure.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Yoshida et al. (US 4651389).

Japanese publication 4-129502 (figures 1, 3, and 4-6) teaches a slide fastener, wherein a reinforcement member 9A is bonded to a fastener tape 3 along both outer sides of a fastener chain 16. The difference is that there is no apparent thermal welding film used to bond the reinforcement member with the fastener tape. However, Yoshida

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et al. (figures 1-3) teaches slide fastener structure wherein a reinforcement member 11 is bonded to a fastener tape 3 at the end of both outer sides of a fastener chain and the bonding is accomplished by a bonding layer 12, which is made of a synthetic resin film having a low melting point (col. 3, lines 3-16) so as to form a superior weld. It would have been obvious to modify the slide fastener of Japanese publication 4-129502 so as to utilize a thermal welding film to secure the reinforcement member with the tape in view Yoshida et al. (figures 1-3) teaching slide fastener structure wherein a reinforcement member 11 is bonded to a fastener tape 3 at the end of both outer sides of a fastener chain and the bonding is accomplished by a bonding layer 12, which is made of a synthetic resin film having a low melting point so as to form a superior weld.

### ***Conclusion***

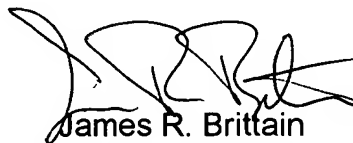
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Hamatani (US 5129127; US 5111919), Dyke (US 3443671), Cheng (US 6345709), Budnick (US 2658543), and Minami (US 4083089) teach pertinent slide fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'JRB', with a stylized flourish extending from the end.

James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
April 4, 2003